

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>WILLIAM CHRIST BILBAY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Case No. CIV-24-307-GLJ</b>
	)	
<b>LELAND DUDEK,</b>	)	
<b>Acting Commissioner of the Social</b>	)	
<b>Security Administration,<sup>1</sup></b>	)	
	)	
<b>Defendant.</b>	)	

**OPINION AND ORDER**

Claimant, William Christ Bilbay, was the prevailing party in this action under the Social Security Act. Claimant seeks an award of attorney’s fees in the amount of \$5,493.60 for 21.8 hours of attorney work pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). [Docket No. 20, Ex. 1]. The Commissioner has no objection to the fee award. [Docket No. 21].

Upon review of the record herein, the Court finds that the agreed amount is reasonable, and that the Commissioner should be ordered to pay it to Claimant as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also*

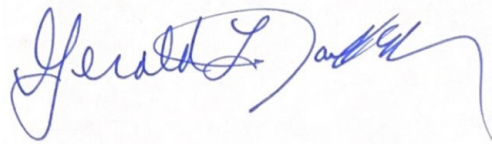
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<sup>1</sup> On February 16, 2025, Leland Dudeck became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Leland Dudek is substituted for Michelle E. King as the Defendant in this action.

*Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that Plaintiff’s Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act [Docket No. 20] is hereby GRANTED. The Government is hereby ordered to pay the above referenced amounts to Claimant as the prevailing party herein. IT IS FURTHER ORDERED that if Claimant’s attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Claimant pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

**DATED** this 21st day of February, 2025.



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**GERALD L. JACKSON**  
**UNITED STATES MAGISTRATE JUDGE**